

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-08
)	
BROWNLIE & LEE, BENLEE, INC.,)	
Richard Brownlie and Benedict Lee,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around October 2001, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Brownlie & Lee, Benlee, Inc. Richard Brownlie, and Benedict Lee ("Brownlie"). Richard Brownlie & Associates and Benlee, Inc. a landscape architecture firm is listed with the Business Registration Division as a general partnership, whose business address is 201 Merchant Street, Suite 1930, Honolulu, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Brownlie and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g), HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around October 2001, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Friends of Ben Cayetano ("Cayetano") and the Harris 2000 campaign committee ("Harris"), initiated an investigation involving excess contributions in violation of section 11-204(a), HRS.
 - 2. The period of investigation included January 1996 through December 2000.
 - 3. Total contributions to various candidates by Brownlie for the period was at least \$15,975.
 - 4. Section 11-204(a)(1)(B), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the

candidate's committee in an aggregate amount greater than \$6,000 during an election period.

5. Section 11-204(h), HRS reads in part as follows: An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
6. The election period for Ben Cayetano and the Friends for Ben campaign committee for Governor of Hawaii include the period from November 5, 1994 to November 6, 1998.
7. On or about February 9, 1996, Brownlie made a contribution to Cayetano in the amount of \$500.
8. On or about May 23, 1997, Brownlie made a contribution to Cayetano in the amount of \$1,000.
9. On or about May 23, 1997, Brownlie made a second contribution to Cayetano in the amount of \$1,000.
10. On or about December 31, 1997, Benlee, Inc. made a contribution to Cayetano in the amount of \$500.
11. On or about December 31, 1997, Benlee, Inc. made a contribution to Cayetano in the amount of \$1,500.
12. On or about July 14, 1998, Brownlie made a contribution to Cayetano in the amount of \$500.
13. On or about July 20, 1998, Brownlie made a contribution to Cayetano in the amount of \$200.

14. On or about September 1998, Brownlie made a contribution to Cayetano in the amount of \$100.
15. On or about October 7, 1998, Brownlie made a contribution to Cayetano in the amount of \$200.
16. On or about October 21, 1998, Brownlie made a contribution to Cayetano in the amount of \$1,000.
17. On or about October 21, 1998, Brownlie made a second contribution to Cayetano in the amount of \$1,000.
18. Total contributions to Cayetano for the election period from Brownlie amount to \$7,500, an excess of \$1,500 over the contribution limit of \$6,000.
19. Section 11-204(a)(1)(C), HRS reads in part as follows: No person or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
20. On or about August 29, 1997, Brownlie made a contribution to Harris in the amount of \$250.
21. On or about September 20, 1997, Brownlie made a contribution to Harris in the amount of \$1,000.
22. On or about May 29, 1999, Brownlie made a contribution to Harris in the amount of \$250.

23. On or about June 1, 1999, Brownlie made a contribution to Harris in the amount of \$250.
24. On or about June 2, 1999, Brownlie made a contribution to Harris in the amount of \$100.
25. On or about June 3, 1999, Brownlie made a contribution to Harris in the amount of \$1,000.
26. On or about June 28, 1999, Brownlie made a contribution to Harris in the amount of \$500.
27. On or about September 15, 200, Brownlie made a contribution to Harris in the amount of \$300.
28. On or about September 20, 2000, Brownlie made a contribution to Harris in the amount of \$500.
29. On or about September 22, 2000, Brownlie made a contribution to Harris in the amount of \$300.
30. Total contribution to Harris for the election period from Brownlie amounted to \$4,450, an excess of \$450 over the contribution limit of \$4,000.
31. Brownlie acknowledges that an excess contribution of \$1,500 had been made to the Cayetano campaign committee in violation of section 11-204(a)(1)(B), HRS.
32. Brownlie acknowledges that an excess contribution of \$450 had been made to the Harris campaign committee in violation of section 11-204(a)(1)(C), HRS.

33. That excess contributions in violation of section 11-204(a)(1)(B) and 11-204(a)(1)(C), HRS was not knowing, intentional, or reckless pursuant to section 11-229, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-08, Brownlie understands and agrees to the following:

- (A) Brownlie agrees to an assessment of **One Thousand Dollars** (\$1,000) pursuant to section 11-228, HRS.
 - (1) For violation of section 11-204(a)(1)(B) and (C), HRS, making an excess campaign contribution to the Cayetano and Harris campaign committee for the relevant election periods.
- (B) Brownlie agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Brownlie on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENTS:

Richard Brownlie

By: _____

Date: _____

(Name)
(Title)